

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESAL PRICE
LITIGATION

THIS DOCUMENT RELATES TO:

CLASS 1 SETTLEMENT WITH
ASTRAZENECA

MDL No. 1456

Civil Action No. 01-cv-12257-PBS

Judge Patti B. Saris

CLASS PLAINTIFFS' MOTION FOR LEAVE TO FILE EXCESS PAGES

Plaintiffs hereby move this Court for leave to file a Memorandum in Support of Plaintiffs' Motion for Imposition of Appeal Bond under Federal Rule of Appellate Procedure 7 in excess of twenty (20) pages. In support therefore, the moving parties state as follows:

1. Case Management Order No. 10 ("CMO 10") set page limitations for briefs. It provides that "[n]o brief shall be longer than 20 pages, unless advance permission of the Court is obtained."

2. Plaintiffs seek to impose an appeal bond against M. Joyce Howe, Objector to their Class 1 settlement with AstraZeneca. There is an extensive briefing history underlying this Motion, including both Objector's numerous filings regarding the Settlement as well as Mr. Haviland's, her counsel's, challenges to both the Settlement as well as his removal as Class Counsel. Given this record, Plaintiffs cannot fully, or even adequately, address all of the reasons Objector's appeal is frivolous in twenty pages or less. Instead, Plaintiffs' Memorandum is twenty-five (25) pages.

3. Plaintiffs submit that given the importance of this Motion to the case that substantial justice would be served by granting Plaintiffs leave to file a Memorandum of twenty-five (25) pages.

WHEREFORE, Plaintiffs respectfully request that this Court grant Plaintiffs leave to file a Memorandum in Support of Plaintiffs' Motion for Imposition of Appeal Bond under Federal Rule of Appellate Procedure 7 in excess of twenty (20) pages.

Dated: February 19, 2009

By: /s/ Jennifer Fountain Connolly
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CERTIFICATE OF SERVICE BY LEXISNEXIS FILE & SERVE

Docket No. MDL 1456

I, Jennifer Fountain Connolly, hereby certify that I am one of plaintiffs' attorneys and that, on February 19, 2009, I caused copies of *Class Plaintiffs' Motion For Leave To File Excess Pages* to be served on all counsel of record by causing same to be posted electronically via Lexis-Nexis File & Serve.

/s/ Jennifer Fountain Connolly
Jennifer Fountain Connolly